

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 16, 17, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boger et al. (U.S. Patent No. 4,687,137) in view of Miller (U.S. Patent No. 5,609,711) and further in view of Focke et al. (U.S. Patent No. 6,463,716).

Boger discloses the claimed invention, see for example Figs. 1, 2, 4, and 6; via adhesive chambers 107, discharge openings 60 with a diameter of at least 5mm, nozzle 40 and 52, valves 70, 72, 74, 76, and 80; application head 20; the gluing stations including glue outlets which can be fed selectively such that a format of the applied glue is defined by selection of the glue outlets, see for example (Figs. 1-6; via controlling dispensing valves 70, 72, 74, 76, 78, and 80); the glue feed including at least one chamber extends linearly in a spatial direction perpendicular to a transport direction of the bag, with a rectangular cross-section, through which at least one part of the valves is fed with the glue and at least one glue supplying line which extends to the application head, see for example (Figs. 4-6; via adhesive chamber 107); *the glue outlets apply the glue to all regions in the y direction of the areas to be glued, see for example (Fig. 1; via the glue outlets 70, 72, 74, 76, 78, and 80 apply glue to regions in the y direction of the areas to be glued)* . It appears that Boger's adhesive dispensing apparatus is capable of dispensing whatever kind of glue as the claimed structure limitations been fully disclosed by Boger.

Boger does not disclose the use of starch glue. However, Miller discloses a similar device with the use of dispensing starch glue, see for example (Fig. 3; via adhesive applicator device 28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's device by dispensing starch glue, as suggested by Miller, in order to provide a starch adhesive system will minimize transfer of water to the plies of material being joined (column 4, lines 46-48).

Boger neither disclose the exact chamber's diameter of at least 5mm, 7mm, 10mm, and/or 15mm, nor a volume of the chamber has a ratio of at least 1.5 to a volume sum of all of the glue connections to and from the valves which are supplied with the glue from the chamber.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's chamber's diameter to be 5mm, 7mm, 10mm, and/or 15mm, and a volume of the chamber has a ratio of at least 1.5 to a volume sum of all of the glue connections to and from the valves which are supplied with the glue from the chamber since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ (CCPA 1980).

Boger in view of Miller lack the teaching of having the glue chamber/head to be displaceable in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport. However, Focke discloses a similar device with the use of displaceable/moving glue dispensing, see for example (Figs. 1-8; via glue nozzle 14). Note, the exact movement/displacing to be in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the

bag lies during transport would be nothing more an engineering design choice to control the movement of the application head in specific/assigned directions, in order to assure fixed pattern of dispensing the glue to the bag.

Further, in the filed specification; page 5, lines 2 and 3; “the application head can also be arranged such that it can be displaced on the tube.” the claimed displacing of the application head on the tube is not the focus of the invention as been supported by the filed specification it can or can't be arranged to be displaced on the Tube.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's glue head (head 20) to be displaceable/moveable along the glue supply line, as suggested by Focke, in order to improve the reliable operation of glue dispensing (column 1, lines 26-29). As to the exact movement/displacing to be in a direction extending perpendicular to a transport direction of the bag and in a plane parallel to a plane in which the bag lies during transport would be nothing more an engineering design choice to control the movement of the application head in specific/assigned directions, in order to assure fixed pattern of dispensing the glue to the bag.

Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Boger's glue head to be displaceable/moveable along the glue supply line, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. In re Lindberg, 93 USPQ 23 (CCPA 1952).

Regarding claim 7: Boger discloses that two of the valves supplying the glue from the chamber are arranged in an overlapping manner, see for example (Figs. 4 and 5).

Regarding claims 22 and 23: Boger discloses that the glue supplying line includes boreholes or opening in a region of the application head (Figs. 1-4); Wherein the chamber is a borehole that is provided in the application head (Fig. 4; via chamber 107).

Response to Arguments

Applicant's arguments filed 07/25/2011 have been fully considered but they are not persuasive.

Applicant argues that the applied art of Focke '716 discloses glue nozzle 14 pivotable away from the operational position for maintenance purposes, glue supply is not the focus of the Focke patent. The examiner maintains that the applied art '716 as applicant admitted discloses a movable and displaceable glue nozzle very much perpendicular to a transport direction of the bag as shown in Figs. 6-8. Whatever the purpose of displacing the glue nozzle should not matter much as the claimed invention are apparatus claims and the purpose of moving the glue nozzle is nothing more than an intended use.

Further, the examiner maintains that moving '716 glue nozzle in a Y, X, or Z direction is nothing more than an engineering design choice and would be obvious to one with ordinary skill in the art to modify '716's movable nozzle to be pivotable/movable in the Y direction instead of the X direction.

Note, Boger art '137 discloses the new added limitations of having the glue outlets to apply the glue to all regions in the Y direction of the areas to be glued, see for example Fig. 1; via glue outlets 70, 72, 74, 76, 78, and 80 positioned along Y direction of the areas to be glued.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMEH TAWFIK whose telephone number is (571)272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/
Primary Examiner, Art Unit 3721